

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, NOVEMBER 26 AND 27, 2012
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of November 26 - 27, 2012, as follows:

CLOSED SESSION MEETING FOR MONDAY, NOVEMBER 26, 2012

The Closed Session Items were heard at the Closed Session Meeting on Tuesday, November 27, 2012, at 9:00 a.m.

CLOSED SESSION MEETING FOR TUESDAY, NOVEMBER 27, 2012

ROLL CALL:

Present: Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Zapf, and Emerald

Absent: Mayor Sanders (Absent for the meeting.)
Councilmember DeMaio – Dist. 5 (Absent for Items CS-1 and CS-2)
Councilmember Alvarez – Dist. 8 (Absent for Items CS-1 and CS-2)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *In Re Coordinated Proceedings Transient Occupancy Tax Cases*
City of San Diego v. Hotels.com, L.P., et al
Number: JCCP4472**

DCA Assigned: J. Taylor
Outside Litigation Counsel: McKool Smith, Baron & Budd, Kiesel Boucher & Larson (Steve Wolens, Gary Cruciani, Bill Larson, Laura Baughman, Thomas Sims)

Motion: Approve City Attorney's recommendation that the City file an amicus letter and an amicus brief if permission is granted by the Supreme Court.
Moved: Councilmember Emerald – Dist. 7
Seconded: Councilmember Lightner – Dist. 1
Vote: Passed 6 to 2 with Councilmembers DeMaio and Alvarez absent.
Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, November 27, 2012, at 5:45 p.m.

Today, in Closed Session, the City Council took the following action:

The City Council voted on Closed Session Item No. CS-1, *In Re Coordinated Proceedings Transient Occupancy Tax Cases City of San Diego v. Hotels.com, L.P., et al.*, Number JCCP4472, to authorize the City Attorney to file an amicus letter and amicus brief if permission is granted by the Supreme Court. This matter involves a pending lawsuit in a Judicial Council Coordinated Proceeding related to the City's existing litigation on TOT taxes.

The motion passed 6 to 2 with Councilmembers DeMaio and Alvarez absent.

**CS-2 *Veneta DeFelice v. City of San Diego*
San Diego Superior Court Case No. 37-2011-00093244-CU-PO-CTL**

DCA Assigned: S. Plotkin-Wolff

Report: Nothing to report.

Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code section 54956.9(b)(3)(A)

CS-3 Number of Cases: One

Report: Nothing to report.

REPORTED BY: /s/ Mary Jo Lanza fame
Mary Jo Lanza fame
Assistant City Attorney